

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA)
) **No. 16-MJ-406**
)
)
v.) **Hon. John F. Anderson**
)
)
JUSTIN GRAY LIVERMAN,)
 Defendant.)

**CONSENT MOTION FOR LIMITED AMENDMENT OF MR. LIVERMAN'S
CONDITIONS OF PRE-TRIAL RELEASE**

Defendant Justin Liverman, by undersigned counsel, hereby moves this Court for a limited amendment of the condition of his pre-trial release governing computer use. Specifically, the defense requests that Mr. Liverman be permitted to use his computer to communicate with defense counsel via email in order to assist in the preparation of his defense. Undersigned counsel has conferred with the government, which consents to this request.

Currently, Mr. Liverman's conditions of pre-trial release permit him to use a computer and the internet for schoolwork. Mr. Liverman reports that he only has one computer, a Sony laptop. Permitting him also to use this computer to communicate with defense counsel is reasonable and necessary because counsel's distance from Mr. Liverman makes in-person meetings difficult to arrange, costly and inefficient. Mr. Liverman resides in Atlantic Beach, North Carolina. The government chose to charge him approximately 350 miles away in Alexandria,

Virginia. The driving distance between Mr. Liverman's home and this Court is nearly six hours. Moreover, Mr. Liverman attends college full-time and is of limited means, making travel a hindrance.

Due to the distance, email can be the most efficient and effective way for defense counsel to communicate with Mr. Liverman, particularly with respect to documents. For example, the government has produced thousands of pages of discovery for defense review. Defense counsel wishes to consult with Mr. Liverman about certain of those materials, which occasionally requires sending items to him for his review. This is most efficiently accomplished via email. Conversely, Mr. Liverman has relevant materials that he wishes to share with defense counsel for purposes of consultation and preparing his defense. It is more efficient for Mr. Liverman to forward these materials via email than to print them out and mail or fax them.

Accordingly, the defense respectfully requests that this Court modify Mr. Liverman's conditions of pre-trial release for the limited purpose of permitting him to use his laptop computer to communicate with counsel via email. The defense additionally requests that any communications between Mr. Liverman and the Office of the Federal Public Defender be exempt from monitoring or review by Pre-trial Services because they are subject to the attorney-client communication and work product privileges. Following consultation with undersigned counsel and the United States Probation Office, the government has informed counsel that it consents to this request.

Respectfully submitted,

JUSTIN GRAY LIVERMAN
Defendant

By: /s/ Cadence Mertz
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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2016, I filed the foregoing document electronically through the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record.

A courtesy copy of the foregoing pleading will be delivered to Chambers within one business day of this filing.

/s/ Cadence Mertz
Cadence Mertz